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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,290	08/14/2001	Francois S. Nicolas	GEMS:0140/YOD 15-XZ-5749	6671
28046	7590	02/24/2006	EXAMINER	
FLETCHER, YODER & VAN SOMEREN			CHOOBIN, BARRY	
P. O. BOX 692289				
HOUSTON, TX 77269-2289			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/682,290	NICOLAS ET AL.
	Examiner	Art Unit
	Barry Choobin	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 November 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9, 11-30, 32-46 and 48-94 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 26-30, 32-40, 79-88 and 91 is/are allowed.
- 6) Claim(s) 1-9, 11-15, 19-25, 41-45, 48, 50-59, 64-70, 76-78, 89, 90 and 92-94 is/are rejected.
- 7) Claim(s) 16-18, 46, 49, 60-63, 71-75 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-91 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carrott et al in view of Guetz et al and further in view of Koritzinsky et al (US 6,901,371).

As to claim 1, Carrott et al disclose an image processing system and method visually documents and displays changes between historical and later monographic images', generating an image from the plurality of temporally distinct medical images to highlight temporal differences of the desired physiological feature between the image pair (fig2a); Carrott et al fails to explicitly disclose compressing images and transmitting the said images as recited in claim; however, Guetz et al disclose a continuously adaptive digital video compression system and method for a web streamer comprising; compressing images and transmitting the images to a remote processing system via network.

Carrott et al and Guetz et al are combinable because Guetz et al disclose that there is a need in the art of image processing for an improved cost effective system that

uses both spatial and temporal correlation to remove the redundancy in the video to achieve high compression in transmission and maintain good image quality. Therefore, it would have been obvious to an ordinary skill in the art to modify the invention of Carrott et al with the image compression and transmission system and method of Guetz et al in order to improved cost effective system and method that uses both spatial and temporal correlation to remove the redundancy in the video to achieve high compression in transmission and to maintain good to excellent image quality while continually adapting to change in the available bandwidth of the transmission channel and to the Limitations of the receiving resources of the clients (column 2, lines 10-22). As to the new limitation added, "a remote processing system via a uniform interface for the remote processing system", Koritzinsky et al disclose an imaging system protocol handling method and apparatus, comprising a uniform graphical user interface at each diagnostic system, which can be adapted to various system modalities to facilitate interaction of clinicians and radiologists with various diagnostic systems for service functions (column 6, line 54-column 7, line 16). Koritnisky et al is combinable with both Carrot et al and Guetz et al. therefore, it would have been obvious to a person of ordinary skill in the art to use an uniform interface for communication in order to make protocols and installing them for use, and for transmitting protocols to diagnostic systems where they can be executed. Guetz et al disclose adjusting resolution, image size (claims 3, 4), dynamic range reduction (column 12, lines 22-48), loss less compression (fig.1).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrott et al in view of Guetz et al and further in view of Koritzinsky et al (US 6,901,371). as applied to claim1 above, and further in view of Fredlund et al.

Carrott et al, Koritzinsky et al, and Guetz et al fail to expressly disclose compressing the at least one image comprises reducing memory consumption of the at least one image by a ratio of between 15:1 to 5:1.

Fredlund et al disclose reducing memory consumption of the at least one image by a ratio of between 15:1 to 5:1 (column 5, lines 34-42).

Fredlund et al is combinable with above inventions because it deals with image processing and transmitting the image in compressed mode.

At the time the invention, it would have been obvious to a person of ordinary skill in the Art to modify the combination of above invention as claimed in claim 1,with Fredlund et al in order to reduce storage requirement (column 5, Line 35).

The suggestion/ motivation for doing so would have been to reduce storage requirement for both low and high-resolution images (column 5, lines 34-37).

Therefore, it would have been obvious to combine above inventions with Fredlund et al. Fredlund et al memory consumption comprises reducing the at least one image to a file size between approximately 500 KB and approximately 2 MB (column 5, lines 15-27).

Claims 2-6, 9,11-15, 19-25, 41-45, 48, 50-59, 64-70, 76-78, 89-90, 92-94 are similarly analyzed and rejected by cited references.

***Allowable Subject Matter***

6. Claims 16-18, 46, 49, 60-63,71-75 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

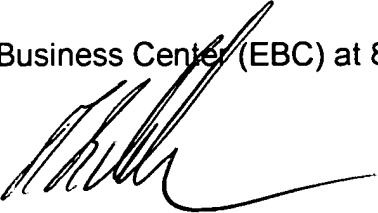
Claims 26-30, 32-40, 79-88 and 91 are allowed.

***CONTACT INFORMATION***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Choobin whose telephone number is 571-272-7447. The examiner can normally be reached on M-F 7:30 AM to 18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WU JINGGE can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Barry Choobin  
2/17/06